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**WORKMAN
NYDEGGER
& SEELEY**

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

1000 EAGLE GATE TOWER

60 EAST SOUTH TEMPLE

SALT LAKE CITY, UTAH 84111

TELEPHONE (801) 533-9800

FACSIMILE (801) 328-1707

RICK D. NYDEGGER
DAVID O. SEELEY
BRENT P. LORIMEY
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
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SALT LAKE CITY, UT 84145

INTERNET

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GENERAL E-MAIL: info@wnspatent.com

September 23, 2002

VIA FACSIMILE

(703) 308-6916

Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
Attn: E. Shirene Willis
Washington, D.C. 20231-0001

FAX RECEIVED

SEP 23 2002

PETITIONS OFFICE

Title: FLEXURE RESISTANT BASE PLATE FOR A
BASKETBALL GOAL ASSEMBLY

App. No.: 10/051,454

Filing Date: January 18, 2002

Inventors: Carl R. Stanford, David C. Winter, Brandon C. Smith
and Charles K. Monsen

Ref. No.: 15499.174.1

Re: Request for Reconsideration of Petition under 37 CFR § 1.47(a)

Dear Ms. Willis:

This is a Request for Reconsideration of Petition under 37 C.F.R. § 1.47(a) in connection with the above-identified application.

This application was filed in the United States Patent and Trademark Office on January 18, 2002 without an oath or declaration executed by the inventors. A Notice to File Missing Parts was mailed by the PTO on February 11, 2002, requiring, *inter alia*, an executed oath or declaration signed by the inventors. On April 11, 2002, in response to the Notice, a Petition under 37 CFR 1.47(a) was filed stating that inventor Charles K. Monsen could not be found or reached after diligent effort and enclosing a declaration executed by the three available inventors. The petition was supported by declarations of Ms. Barbara Keyt and Ms. Jolene B. Goff, copies

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of which are attached, establishing that inventor Charles K. Monsen could not be found or reached at his last known address or telephone numbers.

On July 23, 2002, a Decision Refusing Status under 37 CFR §1.47(a) was mailed by the PTO. The Decision stated that Applicants failed to establish that the non-signing inventor, Charles K. Monsen, cannot be found. Additionally, the Decision stated that the Declaration executed by the available inventors was deficient because it must include the citizenship of each inventor and it must be signed by the Applicants on behalf of the non-signing inventor.

Mr. Joseph Krupa, a Patent Agent at our firm, PTO Registration No. 44,852, telephoned you in connection with this Decision Refusing Status. You indicated that an internet search, in addition to the actions already taken, should be conducted to try to determine the whereabouts of Charles K. Monsen, the missing inventor.

On September 5, 2002, an internet search was conducted in an effort to locate Charles K. Monsen. The Lexis® EZFIND Combined Person Locator was used. A copy of the search results is attached. Please note that entries 32 and 44 of the search report list Mr. Monsen's address as being 322 North 200 West, Brigham City, UT 84302. As set forth in the declarations of Ms. Barbara Keyt and Ms. Jolene Goff, Charles K. Monsen no longer lives at that address and the U.S. Postal Service was unable to forward correspondence to Mr. Monsen.

Entries 46 and 47 of the search report indicate that Charles K. Monsen's address was 120 700, Brigham City UT 84302. I directed Mr. Tyson Sharp, an employee of Workman, Nydegger & Seeley, to personally visit this address to attempt to locate Mr. Monsen. Mr. Sharp spoke with the individual currently living at that address, who stated that Mr. Monsen no longer lived there and left no forwarding address.

Attached is a Declaration from Mr. Sharp attesting to the fact that Mr. Monsen does not live at the address identified in the Search Report and the person living at that address has no forwarding address for Mr. Monsen. Also attached is a Declaration from Richard C. Gilmore stating that Mr. Monsen is unavailable and cannot be found. Further, a Declaration executed by the three available inventors on behalf of the non-signing inventor, in compliance with 37 CFR §§ 1.63 & 1.64, and MPEP 409.03(a) is attached.

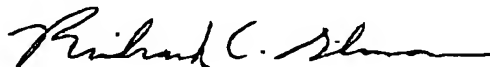
It is believed that these efforts, along with the previously submitted documentation, provide a more than sufficient basis to declare that Mr. Monsen is unavailable and cannot be found after a diligent search. Prompt reconsideration of this Petition under 37 CFR § 1.47(a) is respectfully requested. If there are any other issues remaining, please feel free to contact the undersigned at (801) 533-9800.

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No fees are believed to be required in connection with this Request for Reconsideration of Petition under 37 C.F.R. § 1.47(a). The Commissioner, however, is hereby authorized to charge any fees that may be required to Deposit Account No. 23-3178.

Dated this 23 day of September 2002.

Respectfully submitted,



RICHARD C. GILMORE
Attorney for Applicant
Registration No. 37,335



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PATENT TRADEMARK OFFICE